

SENATE RESOLUTION 729—EXPRESSING THE OPPOSITION OF THE SENATE TO A PROPOSED REGULATION BY THE ENVIRONMENTAL PROTECTION AGENCY, NOW UNDER REVIEW IN THE OFFICE OF MANAGEMENT AND BUDGET, THAT WOULD UNDERCUT AIR QUALITY PROTECTIONS ESTABLISHED BY CONGRESS IN THE CLEAN AIR ACT AMENDMENTS OF 1977 FOR NATIONAL PARKS, NATIONAL WILDERNESS AREAS, NATIONAL MONUMENTS, AND NATIONAL SEASHORES

Mr. ALEXANDER (for himself, Mrs. BOXER, Ms. COLLINS, Mr. CARPER, Mr. WARNER, Mr. BINGAMAN, Ms. SNOWE, Mr. SALAZAR, Mrs. DOLE, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on Environment and Public Works:

S. RES. 729

Whereas, in 1977, under part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.), the prevention of significant deterioration (PSD) program was established “to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value”, which areas are known as class I areas;

Whereas Congress sought to protect air quality in class I areas through, among other things, the establishment of strict limits on additional amounts of air pollution, known as increments, allowed in class I areas over baseline conditions;

Whereas Congress required protection of air quality not just from long-term pollution increases, but also from short-term fluctuations and spikes, and Congress therefore created and required both annual and short-term increments;

Whereas, on June 6, 2007, the Environmental Protection Agency (EPA) proposed a rule under the PSD program that would replace the congressionally-established short-term pollution increments with less protective annual average emission rates;

Whereas, according to the National Park Service Comments on EPA’s Proposed Rule Regarding PSD Increment Modeling Procedures Clarification/Modification (ER No.: DEC-06/0006), “the protection of short term PSD increments cannot be assured using annual average emission rates”, and the proposed rule “ignores . . . reality”;

Whereas EPA’s proposed rule would make multiple additional changes to the PSD program that conflict with Congress’s statutory scheme, set forth in section 160 of the Clean Air Act (42 U.S.C. 7470), “to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special national or regional natural, recreational, scenic, or historic value”;

Whereas during EPA’s initial review of the PSD proposal in 2007, each of EPA’s 10 regional offices expressed grave concerns that the changes to the PSD program proposed by EPA would undermine protection of air quality in class I areas;

Whereas EPA submitted a proposed PSD rule to the Office of Management and Budget in October 2008 that did not incorporate the concerns expressed by the National Park Service and EPA regional offices;

Whereas half of EPA’s 10 regional administrators formally dissented from the draft final rule now under review in the Office of Management and Budget, and 4 other EPA

regional administrators criticized the draft final rule in writing; and

Whereas the National Park Service and all 10 EPA regional offices have uniformly concluded that EPA’s proposed changes to the PSD program would make it easier for large pollution sources to locate closer to national parks, national wilderness areas, national monuments, and national seashores, leading to more harmful air pollution in these areas: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that air pollution levels in class I areas can vary significantly over the course of a year, a month, or even a day, and that short-term pollution spikes are capable of endangering visitors, wildlife, and scenic values in national parks, national wilderness areas, national monuments, national seashores, and other class I areas;

(2) affirms that the PSD program is intended to preserve, protect, and enhance air quality in class I areas not just over the long term, but also over the shorter time periods delineated in the Clean Air Act (42 U.S.C. 7401 et seq.);

(3) finds that EPA has proposed multiple changes to the PSD program that would conflict with Congress’s statutory scheme to preserve, protect, and enhance the air quality in national parks, national wilderness areas, national monuments, national seashores, and other areas of special natural, recreational, scenic, or historic value; and

(4) expresses its opposition to EPA’s proposed rule entitled “Prevention of Significant Deterioration New Source Review: Refinement of Increment Modeling Procedures” (72 Fed. Reg. 31372 (June 6, 2007)), and urges the rule be withdrawn.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate to conduct a hearing on December 10, 2008, at 9:30 a.m., in room SD366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, PENSION, AND LABOR

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled “Prevention and Public Health: The Key to Transforming our Sickness System” on Wednesday, December 10, 2008. The hearing will commence at 10 a.m. in room 192 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL INSPECTOR GENERAL FOR THE TROUBLED ASSET RELIEF PROGRAM ACT OF 2008

Mr. DURBIN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3731, introduced earlier today by Senator MCCASKILL.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3731) to amend the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) to provide the Special Inspector General with additional authorities and responsibilities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. Madam President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3731) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Special Inspector General for the Troubled Asset Relief Program Act of 2008”.

SEC. 2. AUDIT AND INVESTIGATION AUTHORITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) in subsection (c), by adding at the end the following:

“(4)(A) Except as provided under subparagraph (B) and in addition to the duties specified in paragraphs (1), (2), and (3), the Special Inspector General shall have the authority to conduct, supervise, and coordinate an audit or investigation of any action taken under this title as the Special Inspector General determines appropriate.

“(B) Subparagraph (A) shall not apply to any action taken under section 115, 116, 117, or 125.”; and

(2) in subsection (d)(2), by striking “subsection (c)(1)” and inserting “subsection (c)(1) and (4)”.

SEC. 3. PERSONNEL AUTHORITIES.

Section 121(e)(1) of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following:

“(B)(i) Subject to clause (ii), the Special Inspector General may exercise the authorities of subsections (b) through (i) of section 3161 of title 5, United States Code (without regard to subsection (a) of that section).

“(ii) In exercising the employment authorities under subsection (b) of section 3161 of title 5, United States Code, as provided under clause (i) of this subparagraph—

“(I) the Special Inspector General may not make any appointment on and after the date occurring 6 months after the date of enactment of the Special Inspector General for the Troubled Asset Relief Program Act of 2008;

“(II) paragraph (2) of that subsection (relating to periods of appointments) shall not apply; and

“(III) no period of appointment may exceed the date on which the Office of the Special Inspector General terminates under subsection (j).”.

SEC. 4. RESPONSE TO AUDITS AND COOPERATION AND COORDINATION WITH OTHER ENTITIES.

Section 121 of the Emergency Economic Stabilization Act of 2008 (division A of Public Law 110-343) is amended—